

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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January 30, 1997 LR 26, 30

PRESIDENT ROBAK: Thank you, Senator Chambers. Is there any further discussion on LR 26CA? Seeing none, Senator Withem, to close.

SPEAKER WITHEM: I would simply urge that LR 26CA be adopted...be advanced.

PRESIDENT ROBAK: Thank you, Senator Withem. The question before the body is the advancement of LR 26CA. All those in favor vote aye; all those opposed vote nay. Please record.

CLERK: 35 ayes, 0 nays, Madam President, on the advancement of LR 26CA.

PRESIDENT ROBAK: LR 26CA advances. LR 30CA.

CLERK: LR 30CA, introduced by Senator Withem. (Read summary.) It was introduced on January 9 of this year, at that time referred to the Judiciary Committee. The resolution was advanced to General File. I have no amendments at this time, Madam President.

PRESIDENT ROBAK: The Chair recognizes Senator Withem to open on the constitutional amendment.

SPEAKER WITHEM: Yes, again, this is a...in some ways, I believe, a cleanup piece of legislation to make our constitution read more smoothly, deals with the writ of habeas corpus. Again, I will not be able to give you a legal description of what the legal...the writ of habeas corpus involves. Again, from my high school government teaching days, as I recall, the concept of a writ of habeas corpus allows an individual who is being imprisoned to file a writ of habeas corpus, in which case they are brought before a judge and the state has to give a reason why they are being imprisoned. In other words, an individual cannot be taken off the street, squirreled away in a jail facility someplace and never be given an explanation as to why they are being held. An individual is being incarcerated, they have a right to have a legitimate reason and to know what that legitimate reason is. There is now an exception to that in the case of rebellion or invasion the public safety requires it, and then only in such manner as shall be prescribed by law. I